

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Francis X. Shields et al.
Appln. No.: 10/787,529
Filed: February 26, 2004
For: SPOT MARKET CLEARING
Attorney Docket No: 10022/442

Examiner: Wong, Eric Tak Wai
Art Unit: 3693
Confirmation No.: 6461

INTERVIEW AGENDA

Thank you for accepting our interview request for the interview on Thursday, October 15, 2009, at 2pm Eastern. Provided below is a suggested amendment to claim 1, followed by a proposed agenda for the interview.

Suggested Amendment – claim 1

1. (Currently Amended) In a plurality of spot markets, each with [[a]] at least one spot market operator that executes trades for participants trading a commodity, a method for clearing spot market trades across the plurality of spot markets using a computer implemented spot market clearing house comprising:

receiving by the spot market clearing house data sent from a first ~~the~~ spot market operator indicative of [[an]] a first initial settlement amount for ~~at least one a first~~ trade between a trading participant and the first spot market operator in a predetermined period and data sent from a second spot market operator indicative of a second initial settlement amount for a second trade between the trading participant and the second spot market operator, the spot market clearing house being separate from ~~and unrelated to the first and second spot market operators, and the first and second spot market operators corresponding to separate spot markets;~~

sending an initial clearing statement from the spot market clearing house to ~~at least one a~~ clearing member associated with the trading participant based on the data indicative of the first and second initial settlement amounts, the clearing member being separate from ~~and unrelated to the first and second spot market operators;~~

recording by the spot market clearing house a funds transfer in accordance with the initial

clearing statement;

after recording a funds transfer, receiving by the spot market clearing house data sent from the first spot market operator indicative of a first revised settlement amount for the first trade and data sent from the second spot market operator indicative of a second revised settlement amount for the second trade, the data indicative of the first and second revised settlement amounts being different from the data indicative of the first and second initial settlement amounts;

sending a revised clearing statement from the spot market clearing house to the clearing member based on the data indicative of the first and second revised settlement amounts; and

recording by the spot market clearing house a funds transfer in accordance with the revised clearing statement.

Agenda

1. Rejections under §112

- a. The suggested amendment removes the language the Examiner found to be unclear.

2. Rejections under §103(a)

- a. The combination CAL PX and CPSS does not teach or suggest netting settlement amounts and/or performance bonds for single participants for trades across multiple spot markets.
- b. Spot markets operate different from other markets that have used clearing houses and applicant disagrees with the taking Official Notice (see page 8 of the office action dated June 18, 2009) as it pertains to spot markets.